

The United States of America, by Joycelyn Hewlett, Acting United States Attorney for the District of the Virgin Islands, and Everard E. Potter, Assistant United States Attorney, hereby responds to the Court’s inquiry on restitution dated June 14, 2017, as follows:

1. On July 14, 2017, the government filed its initial notice to the Court regarding this matter and sought an extension of seven days within which to comply.
2. The government through its Victim Witness Coordinator and undersigned counsel communicated with the Virgin Islands National Guard (VING) regarding the restitution inquiry.
3. The government advised the VING that it must respond to the government's inquire in writing if, in fact, it was seeking restitution from the defendant.
4. The government explained this Court's restitution calculation and also explained the Third Circuit's remand and reasoning for the remand. The government also explained the stipulation it had entered into with the defendant.
5. As of today's date, the VING has not provided the government with a written

response regarding any desire for restitution.

6. The government is aware that pursuant to 18 U.S.C. Section 3664(g)(1), no victim can be forced to participate in any phase of a restitution order.
7. In this regard, the government is prepared to proceed with the re-sentencing of the defendant, mindful of the stipulation previously entered into between the parties.

Respectfully submitted,

JOYCELYN HEWLETT
ACTING UNITED STATES ATTORNEY

Dated: July 21, 2017

By: /s/ Everard E. Potter
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of July, 2017, a true copy of the foregoing NOTICE OF GOVERNMENT'S RESPONSE TO THE COURT'S INQUIRY was electronically filed with the Clerk of the Court using the CM/ECF System, which will send a notification of such filing (NEF) to the following:

Omodore Jupiter
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/s/ Everard E. Potter
Everard E. Potter
Assistant United States Attorney